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June 8, 2001

**BY MESSENGER**

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station  
Boston, MA 02110

**Re: Docket No. 01-20**

Dear Ms. Cottrell:

I write in response to the request by Hearing Officer Tina Chin for comments regarding the motion by Allegiance Telecom of Massachusetts, Inc., Covad Communications Company, El Paso Networks, LLC and Network Plus, Inc. (collectively, the "CLEC Coalition") for an extension of time to file rebuttal testimony, and more generally regarding an appropriate revised schedule for this proceeding. The existing schedule has been stayed, in part because of ongoing delays in obtaining discovery responses from Verizon. I understand from Verizon's attorney that Verizon does not expect to complete its initial responses to outstanding discovery before June 15, 2001, and that subsequent resolution of discovery disputes makes it unlikely that all discovery responses will be completed before the end of June.

Our experience to date confirms that this docket involves a tremendous volume of very complex issues, and that the Department will not be able properly to explore and make sense of the evidence and arguments regarding those issues unless the parties have adequate time at each stage of the proceeding (for discovery, preparation of prefiled testimony, preparing for and conducting cross-examination at hearings, and preparing post-hearing briefs).

Under the assumption that all discovery responses regarding direct testimony are completed by June 30, and that there are no substantial delays in receiving discovery responses regarding rebuttal testimony, AT&T proposes that the Department adopt the following revised schedule for this docket:

**Proposed Schedule<sup>1</sup>**

Rebuttal Testimony	July 18
Surrebuttal Testimony	August 22
Evidentiary Hearings	Sept. 6 – Sept. 19 & Oct. 10 – Oct. 24
Initial Briefs	November 21
Reply Briefs	December 21

These dates would have to be revisited, however, if there are further unanticipated delays in completing any intermediary steps, including discovery at any stage. For example, if the current round of discovery cannot be completed by the end of June, then the filing of rebuttal testimony and all subsequent dates would have to be extended. Similarly, we believe that a minimum of five weeks are needed between the filing of rebuttal and surrebuttal testimonies in order to provide time for analyzing the rebuttal filings of opposing parties and conducting discovery under the assumption that discovery responses are provided promptly and there are no substantial discovery disputes, but that time would have to be extended if there are substantial delays in completing necessary discovery.

We recommend that at least four weeks of hearing time be reserved for this case. Given the number of witnesses and the overall scope of the proceeding, we are likely to need more than three weeks to complete the hearings. From 1996 to 2000 the Department held far more than four cumulative weeks of hearings on the same topics at issue in this case. If we do not need a full four weeks, reserving them in advance will provide scheduling flexibility to accommodate tight witness schedules. Separating the hearings into two separate sections would make it easier to avoid fatal scheduling conflicts for busy witnesses.

Finally, we believe that a minimum of four weeks will be needed after hearings to prepare and file initial briefs, and after that date to prepare and file reply briefs.

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<sup>1</sup> On a personal note, please note that AT&T's lead counsel in this docket must be out of the state from September 22 to October 3, 2001.

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We appreciate the opportunity to provide these comments and suggestions.

Very truly yours,

Mary L. Cottrell

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Kenneth W. Salinger

pc: Paul B. Vasington, Commissioner  
Hearing Officer Tina Chin (two copies by messenger)  
Hearing Officer Marcella Hickey (two copiers by messenger)  
Michael Isenberg, Director, Telecommunications Division  
Berhane Adhanom, Telecommunications Division  
JeeSoo Hong, Telecommunications Division  
Service List